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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AVERY BADENHOP, and
AULDEN BADENHOP,
a/k/a Aulden Von Baden,

Defendants.

CR 10-701 MMC

CR No. 10-mj-71065 JL

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

During the defendants' December 20, 2010 initial appearance on a criminal Complaint, the Court set January 6, 2011 as the date for an attorney appearance hearing for defendant Avery Badenhop. After the hearing, counsel for the government and counsel for Avery Badenhop discussed the time limits of Federal Rule of Criminal Procedure 5.1 and the Speedy Trial Act. The parties hereby request that the time between December 20, 2010 and January 6, 2011 be excluded from the calculations for time under Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161.

STIPULATION & [PROPOSED] ORDER EXCLUDING TIME
CR 10-mj-71065 JL

1 Pursuant to Rule 5.1(d), defendant Avery Badenhop and the government consent to the
2 exclusion of time, and the parties represent that good cause exists for this exclusion, including
3 the effective preparation and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The
4 parties also agree that the ends of justice served by granting such an exclusion of time outweigh
5 the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

6
7 SO STIPULATED:

MELINDA HAAG
United States Attorney

8
9 DATED: December 21, 2010

/s/
KEVIN J. BARRY
Assistant United States Attorney

10
11 DATED: December 21, 2010

/s/
MICHELLE THOMSON
Attorney for AVERY BANDENHOP

12
13
14
15 [PROPOSED] ORDER

16 For the reasons stated above, the Court finds that exclusion of the period from December
17 20, 2010 through January 6, 2011 from the time limits applicable under Federal Rule of Criminal
18 Procedure 5.1(c) and 18 U.S.C. § 3161 is warranted; that the ends of justice served by the
19 exclusion under Rule 5.1 and Section 3161 outweigh the interests of the public and the defendant
20 in the prompt disposition of this criminal case; and that the failure to grant the requested
21 exclusion of time would deny counsel for the defendant and for the government the reasonable
22 time necessary for effective preparation and continuity of counsel, taking into account the
23 exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C.
24 §3161(h)(7)(B)(iv).

25 IT IS SO ORDERED.

26
27 DATED: _____


THE HONORABLE JAMES LARSON
United States Magistrate Judge

ATTACHMENT A

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STIPULATION AND [PROPOSED] ORDER
EXCLUDING TIME

ATTESTATION OF FILER

In addition to myself, the other signatory to this document is Michelle Thomson. I
hereby certify that I have obtained her permission to enter a conformed signature on her behalf
and to file this document.

MELINDA HAAG
United States Attorney

DATED: December 21, 2010

/s/
KEVIN J. BARRY
Assistant United States Attorney